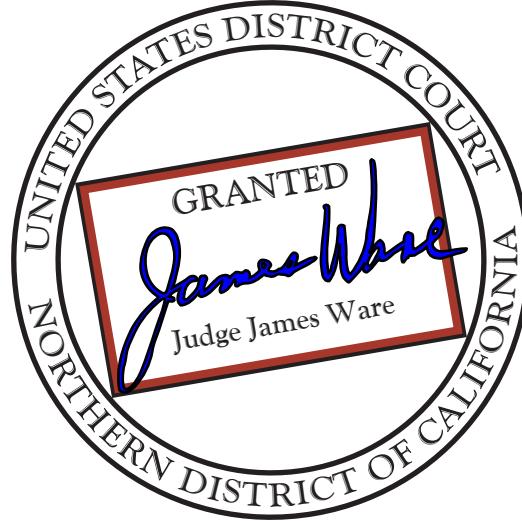


1 ROBERT E. GOLDMAN, Esq. (S.B. #159989)
 2 Law Office of Robert E. Goldman
 3 1 East Broward Blvd., Ste. 700
 4 Fort Lauderdale, FL 33301
 5 Tele: (954) 745-7450
 6 Fax: (954) 745-7460

7 Attorney for Produce Center, Inc.



8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

12 PRODUCE CENTER, INC.,	}	Case No.: 5:08-mc-80116 JW
13 Petitioner,		NOTICE OF MOTION AND MOTION
14 vs.	}	FOR EXTENSION OF TIME TO POST
15 SUNRIVER TRADING COMPANY		BOND
16 LIMITED d/b/a SUNRIVER SALES,	}	Date: July 7, 2008
17 Respondent.		Time: 9:00 a.m.
18		Place: Courtroom 8, 4 th Floor

20 PLEASE TAKE NOTICE that Petitioner Produce Center, Inc., through its attorney of
 21 record herein, will, at 9:00 a.m. on July 7, 2008, before this Court in Courtroom 8, located
 22 at 280 South First Street, San Jose, CA 95113, move for the following relief: an order
 23 extending the time to post a bond. Said Motion will be made on the ground that Petitioner
 24 needs additional time to post a bond.

25 This Motion is based upon this Notice, the attached Memorandum of Points and
 26 Authorities, the attached Declaration of Robert E. Goldman, and the complete file and
 27 records in this action.

1 By: s/ Robert E. Goldman
2 Robert E. Goldman, Esq.
3 CA Bar #159989
4 Robert@goldmanlaw.com
5 LAW OFFICE OF ROBERT E. GOLDMAN
6 1 East Broward Blvd., Ste. 700
7 Fort Lauderdale, FL 33301
8 (954) 745-7450
9 (954) 745-7460 Fax
10 Attorney for Petitioner

1 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION

2 On May 23, 2008, Petitioner filed a "Notice of Appeal," wherein it appealed from the
3 "Decision and Order" by the United States Department of Agriculture rendered on April 23,
4 2008, based upon the grounds set forth in the separately filed Petition. Pursuant to 7
5 U.S.C. §499 et seq., Petitioner is to post a bond related to the appeal. Petitioner requires
6 additional time to seek to obtain a bond from an approved bond company. This process
7 takes time due to the need to transmit financial information to the bond company, and then
8 comply with collateral requirements of the bond company.

9
10 By: s/ Robert E. Goldman

11 Robert E. Goldman, Esq.

12 CA Bar #159989

13 Robert@goldmanlaw.com

14 LAW OFFICE OF ROBERT E. GOLDMAN

15 1 East Broward Blvd., Ste. 700

16 Fort Lauderdale, FL 33301

17 (954) 745-7450

18 (954) 745-7460 Fax

19 Attorney for Petitioner

20 ***** ORDER *****

21 Pursuant to the representations made above, the Court finds good cause to GRANT
22 Petitioner's Motion for Extension of Time to Post Bond. The Court GRANTS Plaintiff an
additional 30 days from the date of this Order.

23
24 Dated: June 6, 2008

25 
JAMES WARE
United States District Judge

DECLARATION OF ROBERT E. GOLDMAN

I, Robert E. Goldman, declare as follows:

1. I am an attorney who represents the Petitioner Produce Center, Inc., in this action. I make this Declaration based upon my own personal knowledge. If called upon to testify, I could and would testify as follows.

2. On April 21, 2008, I was retained to represent the Petitioner.

3. On April 23, 2008, Petitioner had to file the Notice of Appeal and Petition in this matter to preserve its right to appeal.

4. I am assisting Petitioner with its efforts to obtain a bond from an approved surety for the purpose of posting a bond in this case.

I declare under penalty of perjury of perjury of the laws of the United States that the foregoing is true and correct.

May 23, 2008

s/Robert E. Goldman
Robert E. Goldman